

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Toyo Tire and Rubber Co., Ltd., *et al.*,

Plaintiffs

v.

Kabusikiki Kaisha Tokyo Nihoon Rubber Corp., *et al.*,

Defendants

2:14-cv-01847-JAD-VCF

Order Granting Plaintiffs' Motion for Refund [ECF 31] and Directing Clerk of Court to Refund Cash Deposit

After attending a trade show in Las Vegas in November 2014 and learning that defendants were infringing on its trademarks, Toyo Tire sued defendants for trademark infringement and related claims and moved for preliminary injunctive relief.¹ When I granted Toyo's motion for a temporary restraining order, I ordered Toyo to make a \$50,000 cash deposit with the Clerk of Court and authorized the U.S. Marshals Service to seize infringing products and promotional materials displayed at defendants' booth at the trade show. On October 26, 2015, after defendants failed to appear or otherwise defend this case, I granted Toyo's motion for default judgment and motion for a permanent injunction and instructed the Clerk of Court to close this case.² Toyo now moves for a refund of the cash deposit.³ Defendants have filed no opposition to Toyo's request. Because final judgment has been entered in Toyo's favor and defendants have never challenged the temporary restraining and seizure order against them (which has since terminated), Toyo is entitled to a refund of the security it posted for the temporary restraining and seizure order.

¹ ECF 1, 2, 4.

² ECF 26.

³ ECF 31.

Conclusion

Accordingly, IT IS HEREBY ORDERED that plaintiffs' Motion for Refund [ECF 31] is **GRANTED**. The Clerk of Court is directed to refund the \$50,000 cash deposit to:

Toyo Tire Holdings of Americas Inc. and its Attorneys
Lewis Roca Rothgerber LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996.⁴

Dated this 17th day of November, 2015



Jennifer A. Dorsey
United States District Judge

⁴ ECF 9 at 2.